

4-16

A GENERAL GUIDE
FOR THE
Preparation and Revision
OF
VOTERS' LISTS,

Being instructions for the guidance of Reform Associations, so as to secure an accurate Voters' List.

for each Polling Subdivision in each

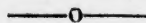
Municipality in the several

Constituencies for the

Legislative Assembly of Ontario

AND

THE HOUSE OF COMMONS.



 *For private circulation only.* 

1878.

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Persons who are entitled to become Voters.

(1.) *Owners*.—Every person who owns property of the value mentioned below, in his own right, or in right of his wife for an estate for life, or any greater estate (*either Legal or Equitable*).

(2.) *Tenants*.—Every tenant of property, of the value mentioned below.

(3.) *Occupants*.—Every person who, although he is not the owner or tenant, is yet the occupant of property of the value mentioned below, being in possession of it, and enjoying the revenues and profits for his own use.

(4.) *Farmers' Sons*.—By which is meant every young man of 21 years of age and upwards, who though not otherwise qualified to vote, has for 12 months prior to the return of the Assessment Roll by the assessors, resided with and on the farm of his father, or step-father, or mother. By "farm" is meant land actually occupied by the father, step-father, or mother, not less in quantity than 20 acres. In determining the right of persons to vote as "farmers' sons" the question of the value of the farm is of importance. Only so many of the elder sons—with the father or step-father, (but not including the mother if she is owner)—as the assessed qualify, rating each at \$200—should be entered on the Voters List.

All such persons, referred to in paragraphs 1, 2, 3 and 4, should be entered on the last revised and corrected Assessment Roll, but if not so entered the application can be made to the Judge for an order under sec. 22 of the Voters List Act, to have them entered on a Supplementary Assessment Roll.

(5.) *Income Voters*.—Every person who has continuously

resided in the municipality since the completion of the last revised Assessment Roll, and who at the date of such revision, and for 12 months previously, was in receipt of an income of not less than \$400 per annum. The names of such persons must be entered upon the Assessment Roll *by the Assessors*, as no appeals can be made subsequently to have persons assessed who are entitled to become voters on income.

Value of Property Sufficient to Qualify.

In order to qualify an owner, tenant or occupant or farmers' son to vote, the real property in respect of which he is rated, or the farm in the latter case, must be of the actual value—

- (1). In cities of \$400.
- (2). In towns of \$300.
- (3). In incorporated villages of \$200.
- (4). In townships of \$200.

The Election Act further provides that "when any real property is owned or occupied jointly by two or more persons and is rated at an amount sufficient, if equally divided between them, to give a qualification to each, then each of them shall be deemed rated within this Act; otherwise none of them shall be deemed so rated."

Persons who are not entitled to Vote.

The following persons are not entitled to vote, although they may be entered on the Assessment Roll, and may possess the requisite amount of property, or be in receipt of a sufficient income :

- (1.) Aliens, *i.e.*, persons not born in any country under the sovereignty of the British Crown or naturalized therein.
- (2.) Persons who are not 21 years of age, and who will not attain that age within 60 days from the final revision and correction of the assessment roll.

- (3.) Women.
- (4.) Judges.
- (5.) County Attorneys.
- (6.) Clerks of the Peace.
- (7.) Deputy Clerks of the Crown.
- (8.) Sheriffs and Deputy Sheriffs.
- (9.) Registrars.
- (10.) Crown Land Agents.
- (11.) Custom House Officers.
- (12.) Inland Revenue or Excise Officers.
- (13.) Postmasters in Cities and Towns.
- (14.) Returning Officers (except in case of a tie).
- (15.) Election Clerks.
- (16.) Election Agents receiving payment, &c.
- (17.) Electors, who on the trial of an election petition have been proved to have been bribed.
- (18.) Persons found guilty of corrupt practices after notice of the charge.

The Persons Entitled to have the Voters' Lists Revised.

Every voter and every person entitled to be a voter in the municipality for which the voters' list is made, or in the Constituency, i. e., County or Riding as the case may be, in which the municipality is situate, may have the voters' list for the municipality revised and corrected. (R. S. O. chap. 9, sec. 8.)

Revision of Voters' List.

On receiving the voters' list, the 1st and 3rd parts should be examined to ascertain: *First*. Whether the Christian and surnames of those persons favourably inclined, and of those who are doubtful, are correctly entered and spelled; this should be attended to carefully, other-

wise there may be a loss of votes, as a person wishing to vote may hesitate and have difficulty in swearing at the poll that he is the person intended to be named in the list.

Second. Ascertain what persons named in the list have, before the final revision and correction of the assessment roll, parted with the property in respect of which their names were entered in the voters' list, and the persons to whom they have transferred the property, or who are in possession of it. (R. S. O., chap. 9, sec. 8, sub-sec. 3.)

Third. Ascertain what persons in this list will be of the age of 21 years at any time within 60 days from the final revision and correction of the assessment roll.

Fourth. Ascertain what persons, although duly qualified and entitled to vote, have been improperly omitted from the list.

To save trouble, all persons should examine the assessment roll and see that their names and qualifications are properly entered.

In determining who are and who are not entitled to vote, the assessment roll is not conclusive as to the value of property, or the amount of income, but evidence may be given before the judge to show the real value of the property or the amount of the income. (R. S. O. chap. 9, sec. 8.)

Fifth. Ascertain what persons are entered upon the list, although not entitled so to be.

Sixth. If a voter have more than one qualification, for example, if he be entitled to vote in respect of real property and also in respect of income, see that he is rated for both in the list.

Proceedings for Correction of List.

If, upon examination of this list, it appears that certain

persons should be struck off or added, carefully prepare a notice in the forms given in the schedule on page 8, 9, 10, 11 and 12.

The notice *must* be given to the Clerk of the Municipality, or left for him at his residence or place of business, *within thirty days after the Clerk has posted up the voters' list in his office.*

If the office of Clerk be vacant, then give the notice to, or leave it for, the head of the Council of the Municipality, *i. e.*, the Mayor or Reeve.

No fees are to be paid.

The judge of the County Court will appoint a day for hearing complaints.

When you have given the notice as mentioned above, devote your attention to preparing evidence to support the alterations and additions which you consider should be made. This should receive immediate attention, and not be left to the last moment.

If the persons whom you desire to give evidence, before the judge, the day appointed, refuse to attend, or you do not think that they will attend to give evidence unless compelled so to do, obtain a subpoena from the County Court, and have a copy served on each person whose attendance you require. By the subpoena such persons may be compelled to produce such papers and documents as you think necessary. The person served with a subpoena (with the exceptions mentioned hereafter) will be entitled to his witness fees according to the Division Court scales, which are as follows :—75 cents per day in Court, and 10 cents per mile travelling expenses, or Railway fare actually paid.

You need not, however, pay the fees if the person served is a person complaining of the lists or is a person in respect

of the insertion or omission of whose name upon the list the complaint is made, provided he be resident within the municipality the list of which is the subject of complaint, or within the municipality in which the Court is held.

On the day appointed by the judge for hearing the complaints, attend with your evidence prepared. It will be well also to be ready to prove the service of your subpoenas, (by the party who served them) with a view to having the hearing adjourned or the vote struck off should the witnesses disobey the subpoena.

If any Appellant or complainant entitled to appeal, dies or abandons his appeal or complaint, or having been on the alphabetical list made and posted by the Clerk, is afterwards not found entitled to be an appellant, the Judge may if he thinks proper, allow any other person who might have been an appellant or complainant, to intervene and prosecute such appeal or complaint upon such terms as the Judge may think just. (R. S. O., c. 9, sec. 19.)

Re-revision of 1877 Voters' Lists.

By the "Voters Lists Finality Act" (41 Vic. c 21). The Voters Lists of 1877 may be revised by the County Judge, except as to cases where the right to vote had been inquired into and "expressly decided" by such County Judge.

All Appeals in respect to the Voters List of 1877 MUST BE MADE ON OR BEFORE THE 15TH MAY, 1878, and in the manner and form provided by the Revised Statute of Ontario respecting Voters Lists, chapter 9, and explained above, pages 3, 4, 5 and 6.

Persons who may be struck off the Voters' Lists.

In addition to the persons under the 18 classes on pages 4 and 5, the following persons, although entered upon the Assessment Roll and Voters' List, may be found not

qualified to vote, and may be struck off on a revision of the Voters' List by the County Judge on the following grounds :

(a) **Voters on Real Property.**

(1.) No *bona fide* title or interest in the real property, giving up possession or removing from (if tenant or occupant), or selling (if owner) the assessed property *before the date of the final Revision* of the Assessment Roll.

(2.) Property not of the value Assessed.

(3.) Joint ownership, or joint tenancy, or joint occupancy with some other person, named or not named on the Roll or Voters List, when the real property is not assessed at a sufficient amount to give a qualification to each person interested therein, i.e., in Townships, \$400 for two, or \$600 for three, etc.

(4.) Ceasing to be owner, tenant or occupant of such real property. By giving up possession, or selling *after the final revision* of the Assessment Roll, and *removing from the Constituency*.

(b) **Voters in Respect of Income.**

(1.) Not in receipt of a *bona fide* income to the amount of \$400 at, and for the twelve months prior to the date of the final revision of the Assessment Roll.

(2.) Not being assessed for Income of not less than \$400 on the last revised Assessment Roll.

(3.) Non-residence in the *Municipality* (City, Town, Village, or Township) where assessed for Income, at the date of the final revision of the Assessment Roll.

(4.) Non-payment of Municipal Taxes, prior to the period prescribed by law.

(c) **Farmers' Sons.**

(1.) That the father or mother or step-father of the farmer's son was not *owner and actual occupant* of the real property assessed.

- (2.) That he is not a son, or step-son, of such owner.
- (3.) That the property is not assessed at sufficient amount to give the father (or mother or step-father) and sons and other joint owners the requisite (\$200 in Townships) qualification to each.
- (4.) Non-residence on the assessed property for twelve months before the date of the assessor's return of the Roll.
- (5.) Non-residence in the Constituency.

Final Revision of the Assessment Roll.

The date of the final revision of the Assessment Roll may be ascertained from the following rules:—

1st. In cities, towns, townships and villages (when no By-law is passed). (a) *If no Appeals to the Court of Revision*—on the day the Court finally passes the Roll as certified by the Clerk. (b) *If there are Appeals to the Court of Revision, but no Appeals to the County Judge*—on the 6th day of July. (c) *If there are Appeals to the County Judge from decisions of the Court of Revision*—on the day the County Judge finally decides such Appeals.

If the County Council has passed a By-law for taking the Assessment in towns, townships and villages between the 1st day of February and the 1st day of July in each year, the above dates will not apply.

2nd. In cities and separated towns (where a By-law is passed.) (a) *If no Appeals to the Court of Revision*—on the day the Court finally passes the Roll as certified by the Clerk. (b) *If there are Appeals to the Court of Revision, but no Appeals to the County Judge*—on 21st November. (c) *If there are Appeals to the County Judge*—on the day the County Judge finally decides such Appeals.

In any City or separated Town which has passed By-laws altering the statutory period for taking the assessment, then the Assessors are to make up the Assessment Rolls between

the 1st July and 30th September. The Roll is to be returned to the Clerk on the 1st October. Appeals to the Court of Revision are to be made within 14 days after such 1st October, *i.e.*, on or before Oct. 15th, and the Court of Revision must close on the 15th November, and the County Judge must complete his final revision by the 31st December.

FORM 4.—(Section 8, Sub-sec. 2.)

VOTER'S NOTICE OF COMPLAINT ON GROUND OF DISQUALIFICATION.

To the Clerk of the Municipality of the Town of

I, *Angus Bell*, a voter (or "a person entitled to be a voter") in the said Municipality (or "for the Electoral District in which the Municipality is situated"), complain that the name of *John Jack* is wrongly entered in the Voters' List for the said Municipality, he being a person disqualified under the section of "*The Election Act*." And take notice that I intend to apply to the Judge in respect thereof, in pursuance of the statute in that behalf.

Dated the day of 18 .

ANGUS BELL.

Residence—Township of *York*.

FORM 5.—(Section 8, Sub-sec. 3.)

NOTICE AND APPLICATION BY VOTER TO WHOM PERSON ASSESSED HAS TRANSFERRED PROPERTY.

To the Clerk of the Municipality of the Town of

I, *Luke Doran*, a person entitled to be a voter in the said Municipality, complain that the name of *Peter Short* is wrongly inserted in the Voters' List for the said Municipality.

pality, he having before the final revision and correction of the Assessment Roll transferred to me the property in respect to which his name is entered on the said List (or "parted with the property in respect to which his name is entered on the Voters' List, and that I am in possession of the same"): And take notice, that I intend to apply to the Judge to have my name entered on the said List, instead of the said *Peter Short*, pursuant to the provisions of the statute in that behalf.

Dated the day of 18 .

LUKE DORAN.

FORM 5.—a.—(Section 8, Sub-sec. 4.)

NOTICE AND APPLICATION BY A PERSON UNDER 21 YEARS
OF AGE.

To the Clerk of the Municipality of

I, F. M. H., hereby apply to have my name entered on the Voters' List (or on the Assessment Roll and Voters' List, as the case may be), for the Municipality of
on the grounds that I will be of the full age of twenty-one
years on the day of 18 , being within
sixty days from the final revision and correction of the
Assessment Roll, in respect of the following real property
(describing it) (or, in respect of my income of \$, as
the case may be), pursuant to sub-section 4 of section 8 of
the Voters List Act. Dated this day of
18 . (Signed by the applicant.)

FORM 5.—b.—(Section 8, Sub-sec. 5.)

NOTICE AND APPLICATION BY A FARMER'S SON.

To the Clerk of the Municipality of

I, F. A. H., hereby apply to have my name entered on

the Voters' List for the Municipality of _____ on the grounds that I am a Farmer's son, entitled to be assessed under the *Assessment Act*, in respect of the following property (*describing it*), pursuant to sub-section 5 of section 8 of the *Voters' List Act*. Dated this _____ day of 18 _____. (Signed by the applicant.)

FORM 6.—(Section 9.)

VOTER'S NOTICE OF COMPLAINT.

To the Clerk of the Municipality of the Town _____ of _____

I, *James Smith*, a voter (or "person entitled to be a voter") for the Electoral District of _____, in which the said Municipality is situated, complain (*state the names of the persons in respect to whom complaint is made, and the ground of complaint touching each person respectively—or set forth in lists as follows, varying according to circumstances*), that the several persons whose names are set forth in the subjoined list No. 1 are entitled to be voters in the said Municipality, as shown in said list, but are wrongfully omitted from the Voters' List: That the several persons whose names are mentioned in the first column of the subjoined list No. 2 are wrongly stated in the said Voters' List, as shown in said list No. 2:—That the several persons whose names are set forth in the first column of the subjoined list No. 3 are wrongfully inserted in the said Voters' List, as shown in said list No. 3:—And that there are errors in the description of the property in respect to which the names respectively are entered on the Voters' List (*or stating other errors*), as shown in the subjoined list No. 4:—And take notice, that I intend to apply to the Judge in respect thereof, pursuant to the statute in that behalf.

Dated the _____

day of _____

18 ____

JAMES SMITH,

Residence—Township of *Beby*.

Lists of Complaints mentioned in the above Notice of Complaints.

LIST No. 1 (showing Voters wrongfully omitted from the Voters' List.)

NAMES OF PERSONS.	GROUND ON WHICH THEY ARE ENTITLED TO BE ON THE VOTERS' LIST.
James Tupper.....	Tenant to John Fraser, of N. $\frac{1}{2}$ lot 1, 2nd Con. Owner in fee of N. W. $\frac{1}{4}$ lot 6, in 8th Con. Assessed too low—property worth \$
Simon Beauclerk...	
Angus Blain.....	

LIST No. 2 (showing voters wrongly named in Voters' List)

NAMES OF PERSONS.	POLLING SUB-DIVISION.	PART OF LIST	THE ERRORS IN STATEMENT UPON VOTERS' LIST.
Joshua Townsend..	2	1	Should be <i>Joseph</i> Townsend.
John McBean.....	4	1	Should be John McBean <i>the younger</i> .
S. Connell.....	3	2	Should be <i>Simon</i> O'Connell.

LIST No. 3 (showing persons wrongfully inserted in the Voters' List.)

NAMES OF PERSONS.	POLLING SUB-DIVISION.	PART OF LIST.	STATEMENT WHY WRONGFULLY INSERTED IN VOTERS' LIST.
Peter White.....	4	1	Died before final revision of roll.
John May.....	3	2	Tenancy expired — left the country.
David Walters....	2	2	Assessed too high—property worth under \$ &c., &c.

LIST No. 4 (showing voters whose property is erroneously described in Voters' List, &c.)

NAMES OF PERSONS.	POLLING SUB-DIVISION.	PART OF LIST.	ERRORS IN RESPECT TO PROPERTY OR OTHERWISE STATED.
Stephen Washburn	3	2	Name should be in Sub-division No. 2.
Thomas Gordon....	2	1	Property should be W. ½ lot 7, in 3rd Con.
Ronald Blue.....	4	2	Should be described as owner, not tenant.

The above instructions are only intended to serve as a general Guide to Officers of Reform Associations.

G. R. PATTULLO,

Sec'y Reform Association of Ontario

TORONTO, April 22nd, 1878.